



09-02-03

DAG/H
#25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF:)
JOEL E. HAYNES)
SERIAL NO.: 08/972,477)
FILED: NOVEMBER 18, 1997) GROUP ART UNIT NO. 3754
TITLE: POSITIVE DISPLACEMENT)
VOLUMETRIC RATIO)
BEVERAGE DISPERSING)
APPARATUS)
EXAMINER: JOSEPH A. KAUFMAN)

RENEWED PETITION TO REVIVE UNDER 37 C.F.R. 1.137

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

09/03/2003 HDEMESS1 00000090 08972477
01 FC:2453 650.00 OP

Sir:

The petitioner, Joel Haynes, hereby petitions the U.S. Patent and Trademark Office to revive an abandoned patent application pursuant to Title 37, Code of Federal Regulations, Section 1.137(b) because the application was unintentionally abandoned.

This petition is also being filed pursuant to a decision on the petitioner's request to revive a holding of abandonment which was dated July 28, 2003. It is noted that this petition to revive is being filed within a period of two months from the date of mailing of the decision dated July 28, 2003.

Apparently, the application became abandoned as a result of an alleged failure of the applicant to properly and fully respond to

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the Office letter dated November 3, 2000, and which was a final rejection in this application. In response to that letter of November 3, 2000, the applicant filed an amendment dated March 3, 2001 and believed that this amendment was a proper response.

The Office takes the position that the response was not proper since a continuation application was not filed with that response after final rejection. The applicant genuinely believed that no further action than that taken was required.

Nevertheless, in order to achieve an early revival, the applicant is herewith submitting this petition to revive the abandoned patent application since the delay was unintentional.

The entire delay in filing the required reply from the due date for reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

With regard to a reply to the outstanding Office Action, it is noted that the applicant did file a continued prosecution application, along with a preliminary amendment. In that amendment, all claims which were rejected have been cancelled and only the allowed claims were presented.

The applicant is setting forth the petition fee as required in Section 1.17(m).

The applicant sincerely regrets any failure on its part to timely respond to that final rejection. The applicant would also

urge an early revival of this application since the latter has been pending since 1997.

An early action on the merits of this petition is respectfully solicited.

Dated: Aug. 27, 2003

Respectfully submitted,



ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555

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CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
Joel Haynes)
)
SERIAL NO. 08/972,477) GROUP ART UNIT
)
FILED: November 18, 1997)
)
TITLE: Positive Displacement)
Volumetric Ratio Beverage)
Dispersing Apparatus)

EXPRESS MAIL CERTIFICATE

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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